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**James R. Paschall**  
**General Attorney**



November 15, 2004

via fax (202) 565-9004 - 3 pages total  
and mail

Honorable Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

Part of  
Public Record

Re: Docket No. AB-290 (Sub-No. 252X), Norfolk Southern Railway Company  
- Abandonment Exemption - Between Burkeville, VA and Pamplin City,  
VA - In Nottoway, Prince Edward, Cumberland and Appomattox  
Counties, Virginia - Petition for Exemption


Dear Mr. Williams:

I attach via fax one copy, and send via mail eleven copies, of the November 9, 2004 letter of the Virginia State Historic Preservation Officer in further response to the historic report concerning the abandonment of the subject line of railroad for which Norfolk Southern Railway Company (NSR) seeks an exemption from the prior approval requirements of 49 USC 10903 in the subject docket. NSR requests that the Board add this letter to the docket in this case.

The SHPO states that the abandonment of the Line will not have an adverse effect on historic resources if the Virginia Department of Conservation and Natural Resources acquires the line for trail use. The VA DCR filed a request for a public use condition and for an interim trail use condition with the Board in this docket in a letter dated October 22, 2004. NSR intends to negotiate with the VA DCR for an interim trail use agreement or other transfer agreement with respect to the right-of-way of the subject rail line.

Honorable Vernon A. Williams  
November 15, 2004  
Re: AB-290, Sub-No. 252X  
Page 2 of 2

Very truly yours,

  
James R. Paschall

Enclosures

cc w/ encl:  
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Thomas F. McFarland, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112

Attorney for SMI Rebar - Farmville

✓ Farmers Cooperative, Inc.  
312 West 3rd Street  
P.O. Box 586  
Farmville, VA 23901

Everette Davis, Traffic Manager  
Southern States Co-operative, Inc.  
P. O. Box 26234,  
Richmond, VA 23260

✓ Mr. Joseph H. Maroon, Director  
Virginia Department of Conservation and  
Natural Resources  
203 Governor Street, Suite 302  
Richmond, VA 23219-2010

Mr. Marc Holima  
Office of Review and Compliance  
Virginia Department of Historic  
Resources  
2801 Kensington Ave.  
Richmond, VA 23221

✓ Ms. Karen Rae, Director  
Department of Rail and Public Transportation  
Commonwealth of Virginia  
1313 East Main Street, Suite 300  
P.O. Box 590  
Richmond, VA 23218-0590

cc: Ms. S. B. Corey, Ms. J. M. Lipps, Mr. M. C. Kirchner, Mr. W. B. Wingo,  
Mr. R. P. Dietz, Mr. S. D. Eisenach



# COMMONWEALTH of VIRGINIA

## Department of Historic Resources

W. Tayloe Murphy, Jr.  
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick  
Director

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November 9, 2004

Mr. James R. Paschall  
Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510

RE: Docket No. AB-290 (Sub-No. 252X), Norfolk Southern Railway Company  
Abandonment of 33.8 Miles of Rail Line from Burkeville to Pamplin City, Virginia  
VDHR File No. 2004-0835

Dear Mr. Paschall:

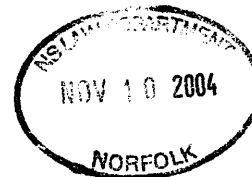
In a letter dated July 1, 2004, the Department of Historic Resources (DHR) responded to your request for our review and comment that that above referenced project will constitute an adverse effect on the historic Southern Railroad Company's Petersburg to Lynchburg rail line, a resource potentially eligible for listing in the National Register of Historic Places. We reiterated this judgment in a November 4, 2004 correspondence responding to a legal notice from the Surface Transportation Board (STB).

Although we were correct in our assessment that the proposed abandonment of the historically significant rail line is an adverse effect as it is defined in 36 CFR 800.5, we have learned only today that the subject rail line will be transferred to the Department of Conservation and Recreation (DCR) for development as a state park. The DHR fully supports acquisition of this property by DCR and the conversion of the former rail line to recreational trail use. In light of this new information and assuming that DCR will make adequate provisions for the protection of historic resources, we no longer believe that our earlier adverse effect determination is appropriate. We therefore conclude that the proposed abandonment will have no adverse effect on the historic rail line. We condition this judgment on DCR consulting with us regarding its plans for the development of the rail corridor as a state park when those plans become available.

If you have any questions about the Section 106 review process or our comments, please contact me at (804) 367-2323, Ext. 114.

Sincerely,

Marc Holma, Architectural Historian  
Office of Review and Compliance



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